

REMARKS

The Applicants appreciate the thorough examination of the present application that is reflected in the Official Action of September 1, 2004. Applicants have amended the Specification to update the Related Inventions section on page 1. Applicants have amended Claims 1, 5, 6, 10, 11, 16, 17, 21, 22, 23, 24, 25, 26, and 27 to clarify that selected services are deployed from an origin server to one or more edge servers. No new matter has been added by these amendments. Applicants respectfully submit that the amended claims are patentable for at least the reasons that will now be explained.

Amended Independent Claims 1, 26, and 27 Are Patentable Over Rabinovich

Claim 1-12 and 25-27 stand rejected under 35 U.S.C. Sec. 102(e) as anticipated by U.S. Patent No. 6,256,675 to Rabinovich ("Rabinovich"). Claims 13-24 stand rejected under 35 U.S.C. Sec. 103(a) as unpatentable over Rabinovich.

Independent Claim 1 is directed to a method of dynamically deploying services in a computing network and recites (underlining added):

receiving client requests for a selected service, wherein the client requests are received from outside a local network that communicatively connects an origin server and one or more edge servers;

serving the received requests from the origin server when the selected service has not yet been dynamically deployed;

effecting a dynamic deployment by programmatically moving the selected service from the origin server to the one or more edge servers, which are closer to an edge of the local network than the origin server, when the dynamic deployment is triggered; and

serving the received requests from the one or more edge servers after the selected service has been dynamically deployed to the one or more edge servers.

Independent Claims 26 and 27 have been amended to include similar recitations.

The present specification explains that an "edge server is a server which is physically located at or near the edge of a network." (Specification, page 4, lines 2-3.) With reference to FIG. 4, the specification explains on pages 15-22 that a service can be deployed from an origin server 290 to an edge server 240, through the use of a deployment node 260, deployment

provider 280 and a deployment facilitator 230. When the selected service has not been deployed to the edge server 240, a request from a service requester 210 for the selected service is routed to the origin server 290. In contrast, when the selected service has been deployed to the edge server 240, the request from the service requester 210 is routed to the edge server 240. Dynamically deploying the selected service from the origin server 290 to the edge server 240 can provide "increased network efficiency and availability by caching static application components (such as images, forms, etc.) near the edge of the network, where they can be quickly returned to a requester (or quickly retrieved by presentation logic for use in assembling a response to be delivered to a requester). (Specification, page 3, line 20 to page 4, line 2.)

Rabinovich describes a system that receives "a request for an object from a requestor" and includes "hosts that store replicas of the requested object." (Rabinoich, Col. 4, lines 41-45.) A request distributor "selects a host to respond to the request for the object." (Rabinoich, Col. 4, lines 56-59.) Rabinovich also describes that "each host that stores a replica substantially autonomously decides whether to delete, migrate or replicate a replica stored at that host." (Rabinoich, Col. 4, line 66 to Col. 5, line 2.)

Accordingly, Applicants acknowledge that Rabinovich describes migrating or replicating a replica of an object between hosts, and routing a request to one of the hosts that stores the replica. However, Applicants submit that Rabinovich does not appear to describe or suggest that a request for a selected service can be received from a requestor outside a local network, which communicatively connects an origin server and an edge server, and where the edge server is closer to an edge of the local network than the origin server. Moreover, Applicants submit that Rabinovich does not appear to describe or suggest that the selected service could be dynamically deployed from an origin server to an edge server.

For at least these reasons, Applicants submit that Claim 1 is not anticipated by Rabinovich. Claims 26 and 27 have been amended to include similar recitations as Claim 1, and are respectfully submitted to be patentable over Rabinovich for the reasons provided above.

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Claims 2-25 are patentable at least per the patentability of independent Claim 1. Moreover, Applicants submit that these claims provide further bases for patentability over Rabinovich.

For example, Claim 17 further defines a method of dynamically deploying a selected service from the origin server to one of the edge servers. In particular, a deployment request is issued for the selected service, the deployment request is received by the edge server that is to receive the deployed service, a subsequent deployment request is issued from the edge server to the origin server, a deployment response is then sent from the origin server to the edge server responsive to the subsequent deployment request.

The Office Action appears to concede on Page 6 that Rabinovich does not expressly disclose the recited method of dynamically deploying a selected service. Applicants note that, as affirmed by the Court of Appeals for the Federal Circuit, to support combining or modifying references in a § 103 rejection, evidence of a suggestion, teaching, or motivation to combine or modify must be clear and particular, and this requirement is not met by merely offering broad, conclusory statements about teachings of references. *In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). In an even more recent decision, the Court of Appeals for the Federal Circuit has stated that, to support combining or modifying references, there must be particular evidence from the prior art as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed. *In re Kotzab*, 55, USPQ2d 1313, 1317 (Fed. Cir. 2000). Applicants respectfully submit that the Office Action has not provided the necessary clear and particular evidence of a suggestion, teaching, or motivation from Rabinovich itself as to why a skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed in Claim 17.

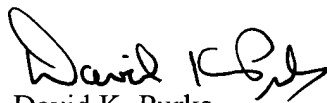
For at least these reasons, Applicants submit that Claim 17 is patentable over Rabinovich. Moreover, Claims 18-24, which depend from Claim 17, are submitted to be patentable at least because of the patentability of Claim 17.

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CONCLUSION

In light of the above amendments and remarks, Applicants respectfully submit that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David K. Purks", with a stylized flourish at the end.

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